

**AN ORDINANCE BY COUNCILMEMBER CLAIR MULLER**

**AS SUBSTITUTED BY CITY UTILITIES COMMITTEE AND AMENDED BY  
FULL COUNCIL**

**AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE  
OF ORDINANCES BY ESTABLISHING AND ADOPTING A NEW  
ARTICLE VII OF CHAPTER 74 ENTITLED “RIPARIAN BUFFER  
REQUIREMENTS”; TO RESCIND ORDINANCE 01-O-0709; AND  
FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 01-O-0709 was adopted by City Council on May 21, 2001 and was approved by the Mayor on May 25, 2001; and

**WHEREAS**, the purpose of Ordinance 01-O-0709 was to increase the requirement for streambank buffers from 25 feet to 75 feet for the purpose of protecting water quality, to fulfill the requirements of the Metropolitan River Protection Act, and for other purposes; and

**WHEREAS**, Ordinance 01-O-0709 placed the expanded stream buffer requirements in Chapter 74, Article II “Land Disturbing Activities” and provided no stream bank variance procedures for the expanded stream buffer requirements; and

**WHEREAS**, the City wishes to locate stream buffer regulations in a separate Article VII of Chapter 74 to be known as “Riparian Buffer Requirements”, to provide stream bank variance procedures to such requirements, and to broaden the purpose of such requirements beyond erosion and sediment control.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY  
ORDAINS AS FOLLOWS:**

**SECTION 1.** That Ordinance 01-O-0709 is hereby rescinded in its entirety.

**SECTION 2.** That Article VII of Chapter 74 of the Code of Ordinances entitled Riparian Buffer Requirements is hereby established.

**SECTION 3.** That the text for the new Article VII, Riparian Buffer Requirements, shown in Exhibit A, is hereby adopted in its entirety.

**SECTION 4:** It is the intent of this ordinance to prohibit the creation of lots that require a stream bank variance from the provisions of Article VII of Chapter 74 as hereby adopted, unless the creation of said lots is the result of an application for subdivision



completed and filed, with all necessary supporting documentation according to the Code of Ordinances of the City of Atlanta, on or before May 25, 2001.

**SECTION 5:** No final subdivision plat shall be approved by the Commissioner of Public Works and Director of the Bureau of Planning which does not comply with all the provisions of Article VII of Chapter 74 as hereby adopted except under the following circumstances 1) an application for subdivision completed and filed on or before May 25, 2001, with all necessary supporting documentation according to the Code of Ordinances of the City of Atlanta, or 2) said plat is deemed by the Director of the Bureau of Planning to be necessary for the implementation of an adopted City of Atlanta redevelopment plan.

**SECTION 6:** No stream bank variance shall be granted for any lot under the provisions of Article VII of Chapter 74 as hereby adopted for a period of one (1) year following approval of final subdivision plat except under the following circumstances 1) said lot results from an application for subdivision approved under the provisions of **SECTION 5**, or 2) a previously unknown site condition is discovered that would render the lot substantially or completely unbuildable.

**SECTION 7:** The Department of Public Works shall produce a map within one (1) year of the effective date of this ordinance which shall depict all perennial and intermittent streams within the City of Atlanta.

**SECTION 8:** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,

A handwritten signature in black ink, appearing to be "Franklin", written over the text "A true copy,".  
Deputy Clerk

**ADOPTED as amended by the Council**  
**APPROVED by the Mayor**

DEC 03, 2001  
DEC 11, 2001



## **EXHIBIT A**

### **Chapter 74, Article VII: Riparian Buffer Requirements.**

#### **Sec. 74-200. Citation.**

This Article may be cited as the "City of Atlanta Riparian Buffer Ordinance."

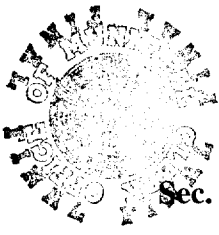
#### **Sec. 74-201. Purpose and Intent.**

The streams and rivers of the City of Atlanta and the riparian areas surrounding them, if preserved in their natural state, provide numerous environmental protection and resource management benefits including the following:

- (a) supply much of the water required by citizens for municipal and industrial uses
- (b) provide habitat for many plant and animal species that only live in riparian areas
- (c) provide stormwater conveyance, storage, and natural drainage
- (d) provide greenspace
- (e) improve the aesthetic appearance of stream corridors
- (f) aid in groundwater recharge which reduces dry weather low flows in streams
- (g) reduce flood velocities and peak flows in streams
- (h) moderate temperature fluctuations within the riparian zone and thermal variations in the metro Atlanta area
- (i) maintain water quality and stream morphology by providing physical stability of streambanks and channels
- (j) cleanse surface and groundwater by filtering pollutants, nutrients, sediment, and other contaminants
- (k) stabilize soils and reduce erosion
- (l) remove pollutants from the air
- (m) provide important wildlife migration corridors
- (n) restore and maintain the chemical, physical, and biological integrity of water resources
- (o) contribute organic matter to the stream which is a source of energy, food and habitat for the aquatic ecosystem
- (p) provide visual and auditory screening
- (q) can provide educational and recreational opportunities

Therefore, the City of Atlanta finds that the protection of the streams and rivers and the riparian areas surrounding them is vital to the health, safety and welfare of its citizens. The purpose and intent of this Article is to manage and protect riparian areas of the City by implementing requirements for the establishment, protection, and maintenance of protective buffers along riparian systems within the City to maintain the public benefits listed in (a) – (q) above.

This Article shall apply to both public and private property within the City of Atlanta. This Article shall be administered in its entirety by the Department of Public Works unless otherwise specified herein.



## **Sec. 74-202. Definitions.**

*Applicant*, for the purpose of this Article, means the person who applies for an exemption or stream bank variance and who must be the owner of the real property containing the buffer or an authorized agent of the owner.

*Best Management Practices (BMP's)*, means a collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event (Article II, Chapter 74).

*Buffer*, for purposes of this Article, shall mean an area of undisturbed natural vegetation with the goal of undisturbed native vegetation.

*Commissioner*, means the Commissioner of the Department of Public Works or a designee.

*EPD*, means the Environmental Protection Division of the State of Georgia Department of Natural Resources.

*Impervious surface* means any paved, hardened, or structural surface. Such surfaces include but are not limited to buildings, driveways, streets, parking lots, swimming pools, dams, tennis courts, and any other structures that meet the above definition.

*Intermittent stream* means a stream which contains flowing water at any time of the year which water is not directly related to a storm event.

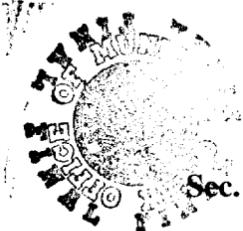
*Jurisdictional Wetland* means a wetland area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

*Perennial stream* means a stream or river that flows throughout the year, except during drought.

*Technical Panel* is a panel comprised of two staff engineers from the Department of Public Works, who are designated by the Commissioner, and an environmental planner, designated by the Commissioner of the Department of Planning, Development and Neighborhood Conservation, who shall make written recommendations to the Commissioner concerning the granting, granting with conditions or denying applications for exemption or variance

*Waters of the State:* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation. (O.C.G.A. § 12-7-1)

*Wetland Delineation* means the establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.



**Sec. 74-203. Application of riparian buffers.**

- (a) Siting of Buffers for the purpose of determining their extent

All buffers shall abut their subject streams (or jurisdictional wetlands) and shall be measured perpendicularly and horizontally from the top of the nearest stream bank (or delineated wetland edge) outward from the stream (or jurisdictional wetlands).

- (b) Width of Required Buffers

*Perennial streams* shall have a 75-foot buffer (with the requirement for expansion depending on the presence of jurisdictional wetlands).

*Intermittent streams* shall have a 75-foot buffer (with the requirement for expansion depending on the presence of jurisdictional wetlands).

*Waters of the state not otherwise covered by this ordinance* shall have a 25-foot buffer and their banks shall be maintained as vegetated to prevent erosion and sedimentation.

*Jurisdictional wetlands*, lying in part or in whole within the boundary of any required stream buffer, shall remain in their undisturbed natural state and shall have a 25-foot buffer such that the stream buffer shall include the extent of the jurisdictional wetland plus its 25-foot buffer. The applicant shall be responsible for providing any necessary information regarding wetland delineation.

**Sec 74-204. Relationship to Erosion and Sedimentation Requirements.**

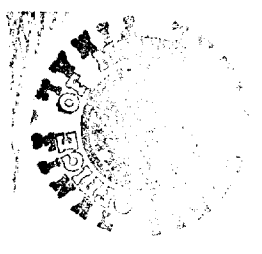
During any permitted construction activity, erosion and sedimentation control best management practices as set forth in Articles II and III of this Chapter 74 shall be implemented to prevent the migration of any sediment into a stream buffer, if such practices are not already required by other ordinances.

During any permitted construction activity, erosion and sedimentation control best management practices as set forth in Articles II and III of this Chapter 74 shall be implemented to prevent the migration of any sediment into any perennial streams, intermittent streams, and waters of the state.

**Sec. 74-205. Exemptions.**

(a) The following land uses or activities may be exempted from the requirements of this Article by an exemption certificate which allows such uses or activities in those buffers which are in excess of the buffers required by state or federal law. The Commissioner is authorized to issue exemption certificates for such uses or activities on a showing by the applicant that no feasible alternative for the location of the use or activity exists. The Commissioner may include conditions in the exemption certificate to minimize impacts on the buffer.

- (1) Stream crossing by a public transportation route or public utility

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- (2) Public transportation route or public utility parallel to a stream
  - (3) Public roadway drainage structures and associated best management practices
  - (4) Multi-use trails and associated secondary trails which are listed in the City of Atlanta Comprehensive Development Plan
  - (5) Unpaved footpaths that are a maximum of four feet wide and made of natural pervious materials such as wood-chips, bark, or pine straw
  - (6) Municipal water or wastewater intakes or discharges as permitted by EPD
  - (7) Wildlife and fisheries management activities permitted by O.C.G.A. § 12-2-8 as amended
  - (8) Water quality monitoring and stream gauging activities
  - (9) Projects under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.
  - (10) Temporary activities involving the removal, addition, or modification of vegetation as approved by the City Arborist.
  - (11) City of Atlanta water and sewer infrastructure projects.

(b) All exempted uses and structures shall be located as far from the stream bank as reasonably possible and best management practices shall be required.

(c) Any entity seeking an exemption certificate shall apply to the Commissioner in writing and state the basis for the exemption and provide sufficient documentation for the Commissioner to determine whether such activity or use is exempted under this section and that best management practices will be followed in implementation.

(d) Any entity that is denied an exemption certificate may apply for a variance.

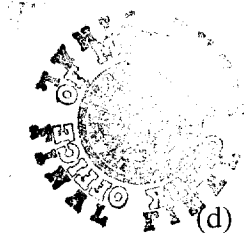
(e) The Commissioner shall make a monthly report to the City Utilities Committee stating the location of all exemptions requests granted or denied during the previous month.

#### **Sec. 74-206. Stream Bank Variances.**

(a) After consultation with the Technical Panel, the Commissioner may grant stream bank variances in the form of as specified in a development permit allowing intrusion into a riparian buffer which has been set by this Article when due to special conditions, a literal enforcement of the terms of this Article will result in an unnecessary hardship provided that the change in size and location of the buffers or the permitting of such activity will be at least as protective of water quality, as defined by the Clean Water Act (33 U.S.C. 1251-1387), and will be at least as protective of riparian systems in the City of Atlanta with regard to the factors listed in Sec. 74-201 (a) – (q) when conditions and mitigation activities associated with the exemptions or variances are considered.

(b) No stream bank variance shall be granted for any distance or location or any activity permitted which are greater than necessary to alleviate the hardship imposed by a strict application of this article.

(c) The stream bank variance shall not reduce the buffer to a width less than the minimum standards established by state or federal law.



(d) The Commissioner may, but is not required, to include one or more conditions to a stream bank variance as necessary to mitigate the effect of encroaching in the required buffer. Typical conditions for mitigation of the disturbance of the buffer may include but are not limited to:

- (1) Specified best management practices
- (2) Buffer or stream bank restoration
- (3) Soil stabilization and/or revegetation
- (4) Non-disturbance of areas with steep slopes or other sensitive areas
- (5) Restrictions on cut and fill activities
- (6) Elevated construction techniques utilizing piers, boardwalks, or similar
- (7) Protection of trees and vegetative cover
- (8) Reduction of run-off over pre-construction levels
- (9) Reduction or relocation of existing impervious surface
- (10) Impervious surface limits
- (11) On or off site buffer compensation
- (12) Performance bonding
- (13) Modifications to site design

(e) Once a stream bank variance is granted, the right to build or maintain a structure built in accordance with the stream bank variance shall be transferable to any subsequent owner of the property.

**Sec. 74-207. Criteria to be Considered for Granting a Stream Bank Variance.**


The Commissioner and the Technical Panel shall consider the following criteria, where applicable, when reviewing any application for an exemption or stream bank variance from the operation of this Article:

(a) Buffer and/or Stream Crossings

- (1) Free-span bridging techniques shall be employed to prevent blockage or constriction of natural drainage ways
- (2) Buffer crossings shall not add potential for up stream and down stream flooding
- (3) Approximately 90 degree crossing angles shall be employed
- (4) Construction shall be capable of surviving 100-years floods
- (5) Banks shall be properly stabilized

(b) Drainage Control

- (1) The crossing of, or encroachment into, the buffer shall be designed so maximize the area of the buffer where the sheet flow discharge of stormwater occurs. The sheet flow of stormwater through the entire buffer—as the goal of the design.

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- (2) Where redirection of stormwater is necessary for drainage control, the use of vegetated swales is preferred. Piping or channelization of stormwater through buffers may be authorized by the Technical Panel.

- (3) Topographical considerations where natural slopes do not produce drainage into the buffer or stream.

(c) Reasonable Economic Use.

The Commissioner shall consider whether the property to be affected by the stream bank variance has a reasonable economic use if the stream bank variance is denied.

**Sec. 74-208. General Procedures for Stream Bank Variance Applications.**

(a) Persons seeking stream bank variances from this Article shall make application on a form supplied by the Commissioner.

(b) General Requirements for all applications.

- (1) Each application shall be signed by the applicant and shall only be accepted after the payment of any required fee including advertising/publication costs.

- (2) All site plans required by an application shall be prepared, signed, and sealed by an Architect, Engineer, or Landscape Architect, registered to practice in the State of Georgia. A separate site plan shall not be required for each item in an application but all required information must be provided.

- (3) No application shall be processed until all material required in this Article has been submitted.

(c) When an application is deemed complete as set forth in this Article the Commissioner shall forward all applications to the Technical Panel for their review and recommendation.

(d) The Commissioner is authorized to draft rules of procedure which may assist in the administration of this Article but such rules shall not: reduce any notice requirements; shorten any period specified for public comment or appeal of a decision of the Commissioner; reduce the requirements for the granting of applications.

**Sec. 74-209. Contents of an Application for Stream Bank Variance.**

(a) An application for a buffer stream bank variance request shall be forwarded to the Technical Panel when all of the following materials have been received:

- (1) A site plan that includes locations of all state waters, intermittent streams, perennial streams, jurisdictional wetlands, floodplain boundaries and other natural features, as determined by a field survey.



- (2) A site plan showing the shape, size, topography, slope soils, vegetation and other physical characteristics of the property.
- (3) A site plan showing the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area of the buffer to be impacted shall be accurately and clearly indicated.
- (4) A description of the project, with details of the buffer disturbance, and justification for why the disturbance is necessary.
- (5) Documentation, including financial analysis, of unusual hardship should the buffer be maintained.
- (6) An explanation of why the proposed development is not possible without encroachment into the buffer.
- (7) A calculation of the total area and length of buffer disturbance.
- (8) A plan for stormwater and erosion control.
- (9) Proposed mitigation, if any, for the buffer disturbance.
- (10) When crossing an intermittent or perennial stream, a hydrologic study prepared, signed, and sealed by an engineer, registered to practice in the State of Georgia, shall be provided and shall specify the methods by which the construction techniques utilized to meet the requirements set forth in Section 74-207(a) will avoid flooding of upstream/downstream properties.

(b) The Commissioner or the Technical Panel may require an analysis that includes alternative plans which demonstrate that no other economically feasible alternatives exist and that the impact which will occur as a result of the proposed exemption or stream bank variance is minimized to the extent necessary to remove the economic hardship. All alternative site plans must attempt to meet the same development goals as the original site plan while preventing buffer intrusion.

(c) The Technical Panel or the Commissioner may require that other information reasonably considered necessary to evaluate an application be supplied. An applicant has thirty (30) days from the date of request to supply the information requested to the office of the Commissioner. In the event that the Technical Panel or the Commissioner requests in writing that the applicant supply additional information, the time for processing of an application shall be extended for an additional fifteen (15) days from the date of receipt of such information in the office of the Commissioner. If additional information has been requested by the Technical Panel, the Commissioner shall forward such information within three days of its receipt.



### **Advertisement, Posting and Mailing of Notice of Application.**

(a) Within five (5) days after a completed application is sent to the Technical Panel, the Commissioner shall cause a notice of the application for stream bank variance to be:

- (1) published in the legal organ of the City of Atlanta;
- (2) posted on the property as set forth herein;
  - (i) a sign not less than six square feet with the words "Notice of Application for Riparian Buffer Stream Bank Variance " in letters not less than four inches high in a conspicuous place on the effected property so that the sign can be easily viewed from the public street on which the property fronts. In addition, the sign shall contain all information contained in the other notices required by this section. Said sign shall be posted within five days after a completed application is sent to the Technical Panel and shall not be removed for twenty (20) days.
- (3) mailed to the property owners immediately adjacent to the property for which the stream bank variance is requested;
- (4) sent to the president of the NPU in which the property requesting the application is located.

(b) The notices required by this section shall state: the location of the stream bank variance; that public review of the application is available at the office of the Commissioner and may be mailed to the NPU upon request; shall state that public comment on the application may be sent to the office of the Commissioner and that such public comments must be received within fifteen days of the date of publication.

(c) All public comments must be must be received within twenty days of the date that a completed application is sent to the Technical Panel. All public comments must be timely and must identify the application to which they pertain in order to be made a part of the record to be considered by the Technical Panel.

### **Sec. 74-211. Processing of Stream Bank Variance Applications.**

(a) Recommendations of the Technical Panel shall be made to the Commissioner within fifteen (15) days of the time an application is received unless additional information is requested, in which case, recommendation shall be made fifteen days after the receipt of the additional information by the Technical Panel.

(b) The recommendations of the Technical Panel shall be in writing and shall include a specific finding on each of the main criteria for allowing a stream bank variance. The recommendation of the Technical Panel may but is not required to make a separate finding on each of the sub-items contained in each of the main criteria.



The recommendation of the Technical Panel may but is not required to respond to any or all public comments, but all public comments shall be made a part of the record presented to the Commissioner.

(d) The Technical Panel may recommend and the Commissioner may take any of the following actions on an application for a stream bank variance:

- (1) Issue the stream bank variance as requested in the application;
- (2) Issue a stream bank variance with written conditions necessary to assure conformity with the requirements and stated intent of this Article;
- (3) Deny the application.

(e) The Commissioner shall issue a decision in writing within fifteen (15) days of the date of the decision of the Technical Panel unless the Commissioner deems it necessary to request additional information from the applicant, in which case, the decision of the Commissioner may be deferred pending receipt of such additional information. If additional information has been requested from the applicant, the Commissioner shall have fifteen (15) days from receipt of the additional information to issue a decision.

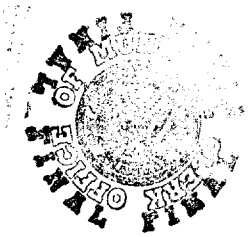
(f) If the Commissioner has not: (1) issued a development permit; (2) requested additional information in writing; (3) issued a development permit with conditions; or (4) issued a denial in writing stating the grounds for denial, within fifteen (15) days after receipt of a recommendation from the Technical Panel or the receipt of additional requested information from the applicant, the recommendation of the Technical Panel shall become the decision of the Commissioner.

(g) The Commissioner shall make a monthly report to the City Utilities Committee stating the location of all stream bank variance applications and stating all decisions on the issuance or denial of any application since the prior report.

#### **74-212. Advertisement, Posting and Mailing of Notice of Decision.**

(a) Within five days after a final decision on an application for stream bank variance, the Commissioner shall cause a notice of the decision to be:

- (1) published in the legal organ of the City of Atlanta;
- (2) posted on the property as set forth herein;
  - (i) a sign not less than six square feet with the words "Notice of Decision on Riparian Buffer Stream Bank Variance" in letters not less than four inches high in a conspicuous place on the effected property so that the sign can be easily viewed from the public street on which the property fronts. In addition, the sign shall contain all information contained in the other notices required by this section. Said sign shall be posted



within five days after a decision and shall not be removed for twenty-five (25) days.

- (3) mailed to the property owners immediately adjacent to the property for which the stream bank variance is requested;
- (4) sent to the president of the NPU in which the property requesting the application is located.
- (b) The notices required by this section shall state: the decision on the issuance the stream bank variance; that public review the record is available at the office of the Commissioner; shall state that any appeal of the decision must be made within thirty (30) days of the date of the decision.
- (c) That the Public Works Commissioner shall develop a monthly report of all stream bank variance applications received, and the decision made on all stream bank variance applications, shall be mailed monthly to all NPU chairpersons citywide.

#### **Sec. 74-213. Judicial Review of Decisions of Commissioner on Stream Bank Variances.**

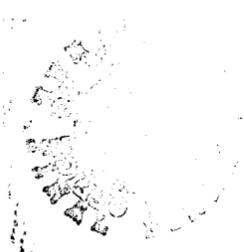
Any person who is dissatisfied with a final decision of the Commissioner on a stream bank variance has the right to appeal said decision to the superior court of the county where the property is located. Such appeals shall be filed within thirty (30) days of the date of publication of the decision of the Commissioner.

#### **Sec. 74-214. Relationship to O.C.G.A. § 12-2-8.**

The Commissioner is not authorized to issue exemptions or grant stream bank variances for any buffer which is the responsibility of Georgia Environmental Protection Division ("EPD") pursuant to O.C.G.A. § 12-2-8. In the event that an applicant is also applying to EPD for a stream bank variance under O.C.G.A. § 12-2-8, exemptions or stream bank variances from this Article may be considered concurrently. Receiving a stream bank variance from EPD from the operation of O.C.G.A. § 12-2-8 is not grounds for the Commissioner to grant a similar exemption or variance if such exemption or stream bank variance does not meet the intent of this Article.

#### **Sec. 74-215. Non-conformities.**

Structures, or impervious surfaces, existing as of the date of the adoption of this Article shall be legally non-conforming unless the structure or impervious surface is horizontally expanded to occupy greater land area inside the buffer, or is moved in whole or in part to any other portion of the buffer. Any replacement or reconstruction activity within the buffer shall occur within the original footprint or shall require compliance with the provisions of this Article. No development permit is required by this Article for normal repairs, restoration, and renovation performed upon existing structures and impervious surfaces which are legally nonconforming as of the date of the adoption of this Article



**Sec. 74-216. Buffer Management and Maintenance.**

The owner shall inspect the buffers periodically for evidence of degradation in regard to the purposes listed in Section 74-201 (a) – (q) and compliance with all other provisions of this Article. Examples of degradation may include but are not limited to the following: soil erosion within the buffer; stream bank erosion; and blockage of streams. Corrective actions may be required by the City and shall be taken by the owner in a manner to ensure compliance with the terms of this Article.

**Sec. 74-217. Enforcement Procedures.**

(a) The Commissioner is authorized and empowered to enforce the requirements of this Article in accordance with the procedures of this section.


(b) Any enforcement activities for violations of the provisions of this Article which are also violations of Article II and III of Chapter 74 for land-disturbing activities shall be undertaken pursuant to the provisions of Article II and III of Chapter 74.

(c) Any enforcement activities for violations of the provisions of this Article which are also violations of Chapter 158 for vegetation shall be undertaken pursuant to the provisions of Chapter 158.

(d) If the Commissioner finds that any person with an exemption or stream bank variance has violated a provision of this Article or a condition of their development permit not involving land disturbing activities [Article II and III of Chapter 74] or vegetation [Chapter 158], the Commissioner is authorized to issue stop work orders to cease the activity. Such notice shall be in writing and shall be given to the owner of the property or the permit applicant or the person or persons in charge of the activity on the property and shall state the conditions under which the work may be resumed.

(e) The Commissioner is authorized to find that when a person has failed to comply with an approved plan for activities permitted under this Article or any conditions contained in a development permit issued under this Article that it is necessary to issue a written notice to comply with the plan or conditions and shall state the time within which such measures must be completed. If the person engaged in the activities permitted under this Article shall fail to comply within the time specified, the person shall be deemed to be in violation of this Article and in addition to other penalties shall be subject to suspension or revocation of any permit issued and may call any bond issued under this Article, or a part thereof, to be forfeited and use the proceeds as necessary to effectuate appropriate mitigation of the disturbance of the buffer and to protect water quality.

(f) In addition to any other sanctions listed in this Article, all definitions of Section 1-8 of the Code shall remain applicable to this Article.



(g) In addition to any other sanctions listed in this Article, a person who fails to comply with the provisions of this Article may be liable to the City in civil court for any costs incurred by the City to enforce or correct violations of this Article.

**Sec. 74-218. Liability.**

Neither the issuance of a development permit or compliance with this Article shall relieve any person from civil liability to any person or property otherwise imposed by law, or constitute the assumption of such liability.

**Sec. 74-219. Conflict With Other Regulations.**

In the event of a conflict between or among any provisions of this Article, or any other laws, regulations, and policies, the requirement that is most restrictive and protective of water quality shall apply.

**Sec. 74-220. Relationship to Metropolitan River Protection Act.**

The requirements of this Article shall not preempt any requirements of the Metropolitan River Protection Act for activities within the 2000-foot Chattahoochee River Corridor. Further, the requirements of this Article are intended to fulfill the requirements of the Metropolitan River Protection Act, O.C.G.A. § 12-5-453, which mandate that local jurisdictions adopt regulations governing use of all land which is in the drainage basin of any tributary flowing into the Chattahoochee River Corridor which at a minimum, include buffer areas of adequate width as determined by local governing authorities along all flowing streams in the drainage basin of any tributary, in which buffer areas there will be no land-disturbing activity.

**Sec. 74-221. Severability.**

Should any section, subsection, clause, or provision of this Article be declared to be invalid, such decision shall not affect the validity of this Article in whole or any part thereof other than the part so declared to be invalid.

RCS# 3347  
12/03/01  
8:22 PM

Atlanta City Council

Regular Session

01-O-1444

New Article "Riparian Buffer  
Requirements" rescind 01-O-0709  
ADOPT/SUB/AMEND

YEAS: 11  
NAYS: 2  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y McCarty	NV Dorsey	N Moore	Y Thomas
Y Starnes	Y Woolard	N Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

01-O-1444

01-C-1444

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AN ORDINANCE

BY COUNCILMEMBERS CLAIR MULLER AND  
CATHY WOOLARD

AN ORDINANCE TO AMEND THE CITY OF  
ATLANTA CODE OF ORDINANCES BY  
ESTABLISHING AND ADOPTING A NEW  
ARTICLE VII OF CHAPTER 74 ENTITLED  
"RIPARIAN BUFFER REQUIREMENTS"; TO  
RESCIND ORDINANCE 01-0-0709; AND FOR  
OTHER PURPOSES.

ADOPTED BY  
DEC 03 2001

COUNCIL

As Amended

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred 9/4/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee  
City Utilities

Date  
9-11-01

Chair  
9-25-01

Action:  
Fav, Adv, Hold (see rev. side)

Other:  
10-9-01

Members

Submitted  
and held

Refer To

Committee  
City Utilities

Date  
11-27-01

Chair  
Clair Muller

Action:  
Fav, Adv, Hold (see rev. side)

Other:  
on Consent as Amended

Members

W. Woolard  
C. Muller

Refer To

Committee  
City Utilities

Date  
11/13/01

Chair  
Clair Muller

Action:  
Fav, Adv, Hold (see rev. side)

Other:  
on Recommendation

Members  
on Consent

W. Woolard  
C. Muller

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED  
DEC 3 2001

ATLANTA CITY CLERK

CERTIFIED  
DEC 03 2001

Deputy  
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

DEC 11 2001

Mayor's Signature